

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

**JANELLE HILL AND WILLIAM HILL,
Individually and as Next Friends of
Savannah A. Hill,**

Plaintiffs,

v.

SANOFI-AVENTIS U.S., INC.,

Defendant.

Case No. 1:09-cv-00463 (CMH/TRJ)

RESPONSE TO MOTION TO INTERVENE

Defendant Sanofi-Aventis U.S., Inc., by counsel, states as follows as its response to the Motion to Intervene filed by third-party MedCon, Inc.

1. This litigation matter has settled and the case has been dismissed. There is no basis to reopen the case to allow an unrelated third party to intervene.
2. Defendant Sanofi-Aventis has indicated that it does not have any objection to MedCon seeing the terms of the Settlement Agreement, provided that a Confidentiality Agreement is executed by MedCon.
3. MedCon's argument that it should not have to sign a Confidentiality Agreement which obligates it to keep the settlement terms confidential without first seeing the confidentiality provision in the Settlement Agreement is nonsensical. MedCon wants to place the cart before the horse. Neither Plaintiff nor Sanofi-Aventis can disclose the confidentiality terms of the Settlement Agreement without violating the terms of that agreement.

4. MedCon seeks to reopen the litigation and assert rights in the case and potentially dispute the settlement sum. Allowing intervention would give MedCon party status and rights it is not entitled to.

5. Defendant does not object to disclosure by Plaintiff of the confidentiality terms of the Settlement Agreement to MedCon, as a means of resolving the present dispute. Defendant respectfully requests that an order be entered allowing Plaintiff to disclose to MedCon the confidentiality terms and providing that Plaintiff shall not be in breach of the Settlement Agreement for such disclosure given that it has been ordered by the Court. MedCon should not be permitted to review any other provisions of the Settlement Agreement without first signing the Confidentiality Agreement required by this Court's Order dated February 20, 2013.

6. Counsel for Sanofi-Aventis respectfully requests that this matter be decided on the pleadings or that the appearance of the undersigned counsel and guardian *ad litem* be waived, so that no further attorney's fees are expended unnecessarily on this matter.

Sanofi-Aventis requests respectfully that MedCon's Motion to Intervene be denied.

SANOFI-AVENTIS U.S., INC.

/s/ Mary C. Zinsner
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Counsel for Defendant Sanofi-Aventis U.S., Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of August, 2013,, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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